

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON NATURAL RESOURCES

Call to Order: By Chairman Gary Spaeth, on January 30, 1989, at  
8:00 a.m.

ROLL CALL

Members Present: All members present

Members Excused: None

Members Absent: None

Staff Present: Jane Hamman, OBPP; Carl Schweitzer, LFA; Donna  
Grace, Committee Secretary

HEARING ON DEPARTMENT OF FISH, WILDLIFE AND PARKS

List of Proponents and Group they Represent 39:A (001)

Gene Allen, FWP  
Land Lindbergh, Blackfoot River Trout Unlimited  
Chuck Virag, FWP  
Dave Mott, FWP  
Ron Marcoux, FWP  
Pat Graham, FWP  
Erv Kent, FWP  
Dave Depew

Fisheries Program

Executive Action was continued on this division from January 27.  
The LFA analysis is attached, Exhibit 1.

Issue No. 9. Increased Data Entry Costs. Mr. Graham stated that the executive budget recommended the increase of \$18,206 for an expanded angler's harvest survey to be done by mail. They have done this in the past but didn't feel that the small sample was effective and that is why they would like to expand it into a larger survey. Funds requested would cover the keypunching costs at Montana State University.

This issue will be discussed in connection with the request for a budget modification on this same issue.

Issue No. 10. Additional Stream Gauges. The Department is requesting an additional \$26,320 for a project in connection with the USGS to monitor stream flow, water quality, temperature and a variety of other things that have been eliminated that were of importance to the Fisheries

Division. With the completion of the application and EIS in the Clark Fork for in-stream flow water reservations, the hearings will be held in June and in anticipation that some water will be reserved for in-stream flows, they need to add a new gauge in the Clark Fork River at Garrison and modify that gauge and an existing gauge to make them remote stations. They also wish to add gauges at Flint Creek and Gold Creek.

MOTION: Senator Devlin made a motion to accept the LFA recommendation which would not allow for the additional stream gauges.

VOTE: MOTION PASSED. Jergeson and Spaeth voted no. All others voted yes.

Issue No. 11. Legislative Contract Authority. Mr. Schweitzer stated that this is spending authority to spend federal and private grants that may come in to the Fisheries Division during the biennium. The LFA has given them the average of the last three years and the executive has recommended \$752,000 more. Mr. Graham explained that since the budget was originally done they have a better idea of what they can expect and they would recommend that this figure be increased by \$160,000 which would cover some cooperative projects with the Forest Service, some mining projects and the Washington Water Power Study on Noxon Reservoir. Also, Montana Power is looking at relicensing and have been in contact with the department regarding studies.

MOTION: Senator Jergeson made a motion to set the Legislative Contracting Authority at \$160,000 over what the LFA had recommended.

VOTE: MOTION PASSED. All present voted in favor.

Issue No. 12. Literature Review. Mr. Graham stated that there had been a lot of interest in the state to introduce various new species. A study authorized and completed this past year was an evaluation of the introduction of walleye outside of their current range. They have also done some work regarding potential impacts of crayfish fisheries because of the interest of commercial fisherman, also a proposal on raising callafia and a study presently on hold regarding white sturgeon. He said that these literature reviews, which might more appropriately be called conducting PERs, are conducted by contracted consultants who prepare the background information so that they can make an analysis. There has been a continual increase in the demand for these. This money would go for contracting with professional consultants in the University system and the material is put together for public review.

MOTION: Representative Swift made a motion to accept the LFA.

VOTE: The Chairman called for a roll call vote. Spaeth, Kimberley, Iverson and Jergeson voted no. Devlin, Swift and Jenkins voted yes. MOTION FAILED.

MOTION: Senator Jergeson made a motion to accept the executive recommendation.

VOTE: The Chairman called for a roll call vote. Spaeth, Kimberley, Iverson and Jergeson voted yes. Devlin, Swift and Jenkins voted no. MOTION PASSED.

Issue No. 13. Equipment. The LFA based his budget on a three year average. The executive has added \$166,474. Mr. Graham explained that the difference between the two budgets is that the department previously bought the hatchery distribution trucks out of the revolving motor pool. They are specialty equipment and are purchased out of individual division budgets and the motor pool just manages the fleet vehicles. The difference is the fact that they have to replace some of those trucks from time to time. One of the vehicles needing replacement right now is a relatively new truck, 1984 Ford 700 located at Giant Springs. This truck was in an accident and it has been extremely unreliable ever since and left loads of fish stranded before reaching destination. The replacement cost is \$73,500. The other truck is a 1972 Dodge tandem axle diesel located at the Blue Water Trout Hatchery which has 152,000 miles on it. The replacement cost is \$93,500.

Discussion followed regarding the purchase of these trucks. It was suggested that the division might be able to order these vehicles at the same time the Highway Department orders theirs and the price might be better.

MOTION: Representative Kimberley made a motion to accept the executive recommendation with the understanding that the money be used only for the purchase of the two trucks. Senator Jenkins stated that he would like to see bids for these two trucks and asked that the information be brought back to the committee for their information.

VOTE: MOTION PASSED. All committee members voted in favor.

Boilerplate Language: 39:B (001) Mr. Schweitzer stated that the recommended language would permit the division to replace general license funds with federal funds if additional federal funds become available. The gross appropriation for the division would not change but, rather, the funding mix would change if the additional federal funding was made available.

MOTION: Representative Swift made a motion to adopt the recommended language.

VOTE: MOTION PASSED. All present voted yes.

**Budget Modification - Missouri River Basin Water Reservation.**

This modification would allow the department to pay their share of the Department of Natural Resources and Conservation's cost of preparing an environmental impact statement on the water reservations and the DNRC costs of holding contested case hearings and preparing hearing transcripts. Mr. Schweitzer stated that it should be noted that funding for the department's water reservation application process has been excluded from the LFA current level.

**MOTION:** Representative Swift made a motion to adopt the recommended language.

**VOTE:** MOTION PASSED. The vote was unanimous.

**Budget Modification - Angler Use and Harvest Survey.** This modification would finance the collection of angler use and harvest information needed to measure success in attaining Fisheries Division project goals. Mr. Graham summarized the scope of the program and said that it also related to Issue No. 9.

**MOTION:** Representative Iverson made a motion to approve the modification and also approve the executive recommendation in Issue No. 9 for increased data entry costs in relation to this survey.

**VOTE:** MOTION PASSED. All present voted yes.

**Budget Modification - Streambank Projects.** This modification will enable contracting for the purpose of representing the department in review of Natural Streambed and Land Preservation Act projects, irrigation diversions, and U. S. Forest Service projects in specific regions. Mr. Graham stated that this modification would provide the resources to address the workload of the regional fisheries managers in stream bank project permitting. This program takes a lot of time and is difficult to schedule.

The division is asking for a pilot program to work with contracting the permit review of routine permitting projects primarily in urban areas in Montana. The alternative would be to hire more biologists, however it would be more cost effective to work with a trained consultant. Where there are difficult or controversial projects, they would still be handled by department staff.

**MOTION:** Senator Devlin made a motion to approve the streambank modification and review the project in two years. The division was encouraged to work with the Soil Conservation and other appropriate parties whenever possible.

**VOTE:** MOTION PASSED. All committee members voted in favor.

Budget Modification - Irrigation Structures. This modification would fund the construction, distribution and evaluation of alternative irrigation structures which are compatible with fish production and habitat. These funds would provide for the construction of 400 feet of irrigation structures at approximately \$200 for an eight-foot section.

MOTION: Representative Swift made a motion to accept the modification.

VOTE: MOTION PASSED. All present voted in favor of the motion.

Budget Modification - U. S. Forest Service Cooperation. This modification would provide funds to cooperatively collect fisheries data on or adjacent to national forest lands for the purpose of improved planning and decision making forest management activities. Mr. Graham said that this project was initially approved by the legislature in 1985. They are now requesting two additional projects be created, one in 1990 and one in 1991. They would provide for the collection of fisheries information on national forest land to aid in planning regarding forest management activities. The forest service, in developing their plans, identified a number of things they would like to do but the fisheries information they needed to rely on was nonexistent. They see it as a need but don't have the resources to do it. Mr. Graham said the information was also valuable to the division. The Fisheries Division would fund the operations portion and the temporary help needed to collect the information and the biologist for the project would be funded by the forest service. The first project was in the Beaverhead and they would like to expand this to the Bitterroot and the Gallatin National Forests.

MOTION: Representative Kimberley made a motion to approve the modification which will be reviewed again in two years and would also be dependent on Forest Service funding.

VOTE: MOTION PASSED. All present voted in favor of the motion.

Budget Modification - Evaluate Fish Population. This modification is to evaluate and monitor fish population to develop and assess management plans, set regulations, and assess habitat conditions in priority waters including Flathead Lake, Flathead River, Rock Creek, Blackfoot River, Big Hole River, Beaverhead River, Missouri River, Canyon Ferry Reservoir, Hauser Reservoir, Holter Reservoir, Yellowstone River, Bighorn River and the Fort Peck Reservoir. Mr. Graham said this project is designed to provide field technical assistance and operations support to meet workload increases involved in various areas of the state. The FTEs requested would be temporary seasonal employees who would be versatile and able to move wherever they were needed. The program will be a continuing process.

Mr. Land Lindberg testified in behalf of a group of private individuals who are intensely interested in what has happened to fishing in the Blackfoot in the last 10 or 15 years. He said they were able to encourage the division to do a study on the fisheries this past summer and privately went out and raised funds, about 1/3 of the amount spent, to carry the program out. He said he would like to see this continue for a year or two.

MOTION: Representative Swift made a motion to adopt the modification, including the language that the Fisheries Division bring back the results of their evaluations and the status of plans in two years.

VOTE: MOTION PASSED. All present voted yes.

Budget Modification - Fishing and Motorboat Access. This modification is designed to provide assistance needed to administer the fishing access and motorboat access programs. Mr. Graham stated that these programs were transferred from the Parks Division to the Fisheries Division over the past two years with no transfer of personnel to allow the Parks Division to more fully address the problems they have in getting the Parks system on its feet. As a result, considerable administrative burdens have fallen on this division's staff. More federal dollars are coming into the project which also increases the amount of paperwork.

MOTION: Senator Jenkins made a motion to approve the budget modification dependent on the availability of federal funds with the understanding that the division report back to the legislature in two years.

VOTE: MOTION PASSED. All members present voted in favor of the motion.

Budget Modification - Flathead Lake Fishing. This budget modification will enable Flathead lake Kokanee stocking on an experimental basis in response to the declines in survival of naturally spawned fish. This project would only have a duration of two years. It has been necessary to go outside of Northwestern Montana to find the Kokanee eggs and they have been trying to find the eggs at Holter Reservoir, Hauser Reservoir, Deadman's Basin. The problem is that the eggs have to be transported throughout the spawning season to sites where they will be reared and the dollars for the transportation is a burden on the hatchery program.

MOTION: Representative Swift made a motion to approve the modification for a two-year period.

VOTE: MOTION PASSED. All present voted yes.

Enforcement Division (132)

Mr. Ervin Kent, Administrator, discussed the duties and activities of the Enforcement Division. He stated that the division's goal is to achieve an acceptable level of compliance with the Department of Fish, Wildlife and Parks related laws and regulations. This would include enforcing the laws of the state and the rules of the Department with regard to the protection and preservation of big game animals, fur-bearing animals, fish, game birds, and other wildlife species. Enforcement of laws and regulations relative to Department-owned or administered lands or waters, and boating, hunter, snowmobile, and all-terrain vehicle safety also come under the domain of the Enforcement Division. Mr. Kent's comments are contained in Exhibit 2.

Discussion followed. Senator Devlin stated that he had complaints in his area about discourteous treatment from wardens. Chairman Spaeth said he had a problem with seeing perhaps seven or eight Fish and Game vehicles at a check point during hunting season. He questioned why there were so many and suggested that the wardens ride together. Representative Iverson said the problems in his area were resolved when they moved the warden to a different location. The committee suggested that this was a problem statewide that should be dealt with in the division's workshops for wardens and other enforcement personnel.

Executive Action: 40:B (001)

The LFA analysis is attached as Exhibit 3.

Issue No. 1. Federally funded Boating Safety Program transferred from LCA to current level base. The executive has made the transfer and the LFA current level has not. Mr. Kent stated that this is a cooperative agreement and they were requesting this adjustment because the funding is secure and will be available until well into the future.

Ms. Hamman expressed the support of the executive budget office for Issue No. 1. She stated that the LCA deals only with grants and funds that are not anticipated and she would like to see the LCA kept as clean as possible. Mr. Schweitzer stated that this would increase the FTE level as far as the base is concerned.

Mr. Kent said the amount to be transferred would be the \$81,160 identified in the LFA's analysis sheet. They would also ask that the Federal Coast Guard Funds in the amount of \$65,726 for FY90 and \$66,150 for FY91 be put back into the base. (This item is outlined as Issue No. 1 of Exhibit 4.)

MOTION: Senator Jergeson made a motion to accept the executive in Issue No. 1 and also the recommendation for transfer of the Federal Coast Guard Funds as outlined in Issue No. 1 of Exhibit 4.

VOTE: MOTION PASSED. All members present voted in favor.

Issue No. 2. Increase in Contracted Services. Mr. Schweitzer stated that these were all increases over the 1988 base which the division has requested.

(A) Computer Programming. Mr. Kent said the increase of \$24,000 would be to expand their tracking mechanism capability on present law enforcement computers to evaluate individual officers' performance towards meeting desirable goals and objectives. Senator Jergeson asked if the system would record citizen complaints about courtesy. Mr. Kent said that type of information could be made a part of the program.

MOTION: Representative Kimberley made a motion to adopt the executive on Issue 2(A).

VOTE: MOTION PASSED. Spaeth voted no. All others voted yes.

(B) Room and Board for Training. Mr. Kent said they were expecting a lot of turnover in the next two years because several of their wardens were reaching retirement age. Each new warden must attend the Law Enforcement Academy for nine weeks and also some other schools designed for mid-management levels that deal with supervision. The division is requesting an additional \$13,200 for increased costs.

MOTION: Representative Iverson made a motion to accept the executive recommendation.

VOTE: MOTION PASSED. All committee members voted in favor.

(C) Security Patrols. Mr. Kent stated that it was necessary to put these patrols on duty at Giant Springs and Hauser Dam. They have contracted with private security firms to provide these services, however, the costs are going up from \$8.00 to \$10.00 per hour. The Montana Power Company has agreed to keep the Hauser location open to fishing if these services are provided and it has cut down on vandalism in the area. The additional costs are \$7,972.

MOTION: Representative Swift made a motion to accept the executive recommendation.

VOTE: MOTION PASSED. All present voted in favor.

(D) Legal Fees and Court Costs. Mr. Kent said that this is an area where they are finding additional costs in prosecuting certain violations such as in cases where they must bring in out-of-state witnesses and also secure the services of a special prosecutor. The division is asking for \$4,330.

MOTION: Senator Jergeson made a motion to approve the executive.

VOTE: MOTION PASSED. Senator Devlin voted no; all others voted yes.

(E) Psychological Tests and Background Checks for New Employees. Mr. Kent stated that this test is designed for examining individuals for traits consistent with what they consider normal for game wardens including the ability to meet the public, converse in a proper manner and to handle situations in which they may become involved. They are asking for increased funding in the amount of \$6,060. Mr. Kent stated that administering these tests has kept the rate of turnover at a much lower level as they are getting people who will stay longer and are more suitable for the job.

MOTION: Representative Kimberley moved the adoption of the executive recommendation.

VOTE: MOTION PASSED. Spaeth voted no; all others voted yes.

Issue No. 3. Increased Travel for Intern Program. This is the program whereby they hire seasonal enforcement people to help out during busy times of the year. They assist in lower level enforcement activities and perform many tasks that allow the wardens to spend more time in law enforcement activities. They have taken one warden position and divided it up between several of these part-time people and this arrangement seems to meet their needs; however, they do need money for travel for these people and they are requesting \$19,319 for the biennium.

MOTION: Representative Swift made a motion to adopt the executive recommendation.

VOTE: MOTION PASSED. Spaeth voted no; all others voted yes.

Issue No. 4. Mr. Kent passed out a sheet (Exhibit 5) showing expenditures for equipment over the past five years. He said that the LFA in making his recommendation had used only three years and he wanted to point out that during 1987 there was a 2% budget cut and the only place they had to cut was in their equipment budget. They still need the equipment to keep their program adequate. They are asking for \$62,938 additional funds to catch up with equipment needs which would include snowmobiles, boat, ATV, two-way radios, two horses, horse trailer, binoculars, etc. No vehicles are included in this request.

MOTION: Senator Jergeson made a motion to accept the executive recommendation.

VOTE: MOTION PASSED. Devlin and Swift voted no; all others voted yes.

Budget Modification - Relocation Costs. (Issue 2 of Exhibit 4)  
The Department has a policy to reimburse employees for selected moving costs when promoted within the agency. The OBPP has carried FY88 level expenditures of \$23,000 forward. The Enforcement Division has identified potential moves that would require an additional \$27,000 per year. These costs would be financed from the license fee fund.

MOTION: Representative Kimberley made a motion to accept the modification and indicated that it should be reviewed in two years.

VOTE: MOTION PASSED. Senators Jergeson and Devlin voted no; all others voted yes.

Budget Modification - Travel. (Issue 3 of Exhibit 4) The Department is in the process of negotiating the Wardens' Collective Bargaining Agreement. The agency is considering an offer to the union for an opportunity for wardens to earn comp time (1 1/2). More travel would then be necessary. Assuming an 8% increase, an additional \$40,000 per year would be needed. These costs would also be funded from the license fee fund. Mr. Marcoux stated that the bargaining is a result of the Garcia Decision which said that law enforcement officers can only work 40 hours a week and must be compensated with time and a half comp time or overtime for any hours worked over 40. Mr. Marcoux also stated that if the bargaining effort does not support this benefit, the division would not use the money.

MOTION: Senator Jergeson made a motion to adopt the modification with language included that if the agreement is not adopted, the division does not have authority to spend the money.

VOTE: MOTION PASSED. Devlin and Spaeth voted no; all others voted yes.

Budget Modification - Snowmobile Act. This modification would provide the funding and personnel to enforce the registration provisions of the Snowmobile Act. The division had anticipated that there would be a bill that would provide some additional funding for the snowmobile program. It appears that this is not going to materialize so they will need additional funding.

MOTION: Senator Jergeson made a motion to disallow the modification.

VOTE: MOTION PASSED. All committee members voted yes.

Budget Modification - Warden in East Missoula/Rock Creek Area. This budget modification would respond to a workload increase resulting from more sporting activities in this area. They are not able to handle the workload with their present staffing. Mr. Kent explained what the additional

workload included. This would be a permanent position.

MOTION: Representative Swift made a motion to accept the modification.

VOTE: MOTION PASSED. All present voted in favor.

For informational purposes only, Mr. Kent stated that the ATV decal program had been enacted by the legislature. House Bill 165 would provide funding by a \$5.00 decal for enforcement in parks.

Field Services 41:A (163)

Mr. Gene Allen, Administrator of the Field Services Division presented an overview of the program. Responsibilities of this division include the landowner/sportsman program and there are two full-time FTE in this program. The program includes block management, the landowner livestock insurance program, landowner recognition and helping establish local committees to help solve local landowner/sportsman problems. They are responsible for wildlife damage and the licensing program which was transferred to the division last year. They sell 1.2 million licenses per year through 450 license agents and, in addition, 81,000 special permits are issued through drawings.

The division is responsible for the five aircraft in the department which include two helicopters, two supercubs and one twin engine aircraft. The acquisition, disposition and trading of all land owned by the department is the responsibility of this division. In addition they have now assumed responsibility for 235 cabin site leases. The design and construction bureau is in the Field Services Division and this is a bureau they have had for two years since transfer from the parks division. These are engineers and landscape architects that are responsible for making sure the various sites are properly developed and maintained. Finally, they are also responsible for the department's personal computers.

Executive Action:

The analysis prepared by the LFA is attached as Exhibit 6.

Issue No. 1. Increases in drawing applications and license sales. Mr. Schweitzer stated that the department has asked for an increase in operating expenses of \$48,104 for the biennium over the base in connection with drawings and license sales.

Chairman Spaeth turned the meeting over to Vice Chairman Devlin.

MOTION: Representative Spaeth made a motion to accept the executive recommendation.

VOTE: All present voted in favor of the motion.

Announcements/Discussion: None

ADJOURNMENT

Adjournment At: 12:00 Noon

  
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REP. GARY SPÆTH, Chairman

GS/dg

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BUDGET ITEM	Fiscal 1990		Fiscal 1991		Difference
	Executive	LFA Curr Lvl	Executive	LFA Curr Lvl	
FTE	100.26	98.09	100.26	98.09	-2.17
Personal Services	\$2,733,880	\$2,621,868	\$2,745,911	\$2,633,484	(\$112,427)
Operating Expenses	1,300,030	1,105,641	1,273,317	1,096,038	(177,279)
Equipment	249,390	127,827	211,738	127,827	(83,911)
Non-Operating	1,314,500	938,500	1,314,500	938,500	(376,000)
<b>TOTAL EXPENSES</b>	<b>\$5,597,800</b>	<b>\$4,793,836</b>	<b>\$5,545,466</b>	<b>\$4,795,849</b>	<b>(\$749,617)</b>
FUNDING					
State Special Rev	\$2,936,628	\$2,657,953	\$2,901,350	\$2,683,854	(\$217,496)
Federal Revenue	2,661,172	2,135,883	2,644,116	2,111,995	(532,121)
<b>TOTAL FUNDING</b>	<b>\$5,597,800</b>	<b>\$4,793,836</b>	<b>\$5,545,466</b>	<b>\$4,795,849</b>	<b>(\$749,617)</b>

	FTE	General Fund	Gross
1. Missouri River water reservations	1.50	\$ -0-	\$172,637
2. Mid-winter and early spring base adjustments	0.00	-0-	25,930
3. Lease/Purchase water supply	0.00	-0-	13,600
4. Reduced operating costs caused by vacant positions in base year	0.00	-0-	7,648

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	<u>FTE</u>	<u>General Fund</u>	<u>Gross</u>
5. Reduction in base year expenditures because of emergency repairs to the Jackle Fish Hatchery in fiscal 1988.	0.00	-0-	112,000
6. Flathead Basin Co-op	0.00	-0-	13,718
7. Fort Peck commercial fisheries	0.67	-0-	40,506
8. Increase for the operations of the Murray Springs Fish Hatchery	0.00	-0-	75,838
9. Increased data entry costs	0.00	-0-	18,206
10. Additional stream gauges	0.00	-0-	26,320
11. Legislative contract authority	0.00	-0-	752,000
12. Literature review	0.00	-0-	22,888
13. Equipment	0.00	-0-	166,474

#### **Boilerplate Language**

The department is requesting boilerplate language which would permit them to replace general license funds with federal funds if additional federal funds become available. The gross appropriation for the division would not change but rather the funding mix would change if additional federal funds were made available.

#### **Budget Modifications**

The executive budget recommends budget modifications for the Fisheries Division. Table C details the recommended amount of general hunting and fishing revenues to finance the modification, and the total cost of the modifications.

Table  
 Fisheries Division  
 Budget Modifications

	Fiscal 1990		Fiscal 1991	
	FTE	Total	FTE	Total
		General License Acct.		General License Acct.
Missouri Basin Water Reservations	0.00	\$ 15,000	0.00	\$ 15,000
Angler Use and Harvest Survey	1.00	32,623	1.50	16,505
Streambank Projects	0.00	10,000	0.00	10,000
Irrigation Structures	0.00	5,000	0.00	5,000
USFS Cooperation	1.00	10,447	1.25	12,951
Miles City Fish Hatchery	0.93	20,424	0.93	20,435
Evaluate Fish Population	2.00	24,546	2.50	27,060
Fishing and Motorboat Access	0.75	8,770	0.75	8,787
Flathead Lake Fishery	0.50	5,380	0.50	5,385
<b>Total Budget Modifications</b>	<b>6.18</b>	<b>\$132,190</b>	<b>7.43</b>	<b>\$121,123</b>
				<b>\$483,452</b>

The Missouri River Basin Water Reservation budget modification will allow the department to pay their share of the Department of Natural Resources and Conservation's cost of preparing an environmental impact statement on the water reservations and the DNRC costs of holding contested case hearings and preparing hearing transcripts. It should be noted that as described in Issue 4, funding for the department's water reservations application process has been excluded from the LFA current level.

The angler use and harvest survey budget modification will finance the collection of angler use and harvest information needed to measure success in attaining Fisheries Division project goals.

The streambank projects budget modification will enable contracting for the purpose of representing the department in review of Natural Streambed and Land Preservation Act projects, irrigation diversions, and U.S. Forest Service projects in specific regions.

The irrigation structures budget modification would fund the construction, distribution, and evaluation of alternative irrigation structures which are compatible with fish production and habitat.

TY S. Forest Service cooperation budget modification to cooperatively collect fisheries data on or adjacent lands for the purpose of improved planning and decision making in forest management activities.

The Miles City Fish Hatchery budget modification is designed to double the number of walleye and northern pike eggs collected and to provide operational funding and personnel to operate the Miles City Fish Hatchery at its designed capacities.

The evaluate fish population budget modification is to evaluate and monitor fish population to develop and assess management plans, set regulations, and assess habitat conditions on priority waters, including Flathead Lake, Flathead River, Rock Creek, Blackfoot River, Big Hole River, Beaverhead River, Missouri River, Canyon Ferry Reservoir, Hauser Reservoir, Holter Reservoir, Yellowstone River, Bighorn River, and the Fort Peck Reservoir.

The fishing and motorboat access budget modification is designed to provide assistance needed to administer the fishing access and motorboat access programs. The Flathead Lake fishing budget modification will enable Flathead Lake Kokanee stocking on an experimental basis in response to the declines in survival of naturally spawned fish.

ENFORCEMENT DIVISION

EXHIBIT 2  
DATE 1-30-89  
HB 100

The division's goal is to achieve an acceptable level of compliance with Department of Fish, Wildlife and Parks related laws and regulations. This includes enforcing the laws of this state and the rules of the Department with regard to the protection and preservation of big game animals, fur-bearing animals, fish, game birds, and other wildlife species. Enforcement of laws and regulations relative to Department-owned or -administered lands or waters, and boating, hunter, snowmobile, and all-terrain vehicle safety also come under the domain of the Enforcement Division.

Other duties include administration of special purpose licenses including those for private fish ponds, taxidermists, fur dealers, landowner trappers, falconers, game farms, fur farms, bird farms, zoos, and shooting preserves and overseeing the licensing activities of approximately 400 Department licensing agents. The division investigates wildlife damage complaints and provides assistance to landowners in alleviating damage from wildlife. It also assists in the protection, conservation, management, and propagation of fish and wildlife species. This includes tagging fur-bearers, plugging sheep heads, measuring mountain goat and bighorn sheep horns, and collecting deer, elk, and moose jaws and black bear teeth. The division also maintains records, as mandated by law, of registered grizzly bear parts, tattooed wild animals in the possession of private individuals, and aviculturists.

Game wardens play an active role in the Department's buffalo hunting program. Division personnel also develop and present comprehensive safety programs to many public and private groups. In 1987, the division's outfitter certification and licensing duties were transferred to the Department of Commerce.

Accomplishments of the recent past have been as follows:

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Citations Issued	3,543	4,267	4,575	5,683	5,353	4,539	4,652	4,345
Fish Creel Checks	44,637	49,308	59,752	64,260	67,180	64,747	61,523	59,624
Game Bag Checks	37,068	48,810	56,398	58,328	54,584	48,848	50,644	45,249

The division continues to employ saturation enforcement patrols in certain high-use or problem areas. High visibility and public relations are important aspects of the saturation patrol effort.

Since 1985, Montana's game wardens have been limited to a 40-hour work week due to a U.S. Supreme Court decision. As a result, wardens have had to prioritize and adjust their work schedules to ensure that they work no more than 40 hours per week. Also, compensatory time off is no longer an option for wardens; the Department must now pay overtime at the time-and-one-half rate to meet emergency situations.

The division continues its physical fitness program for wardens. Personnel are administering medical health screening and physical

fitness plans. Emphasis has been placed on training and professional development with annual division seminars and regional training. Programs for warden-in-service training are ongoing. Workload criteria has been developed for each warden district with subsequent performance standards to evaluate program effectiveness. The division continues to provide conservation officer training to other Department employees and participates in implementation of regional conservation officer programs.

A special investigations unit, formed on a trial basis during the 1987-88 biennium, has been maintained to address problem violations where uniformed officers are least effective. Funding and personnel for this effort were redirected from within the Enforcement Division. These actions have resulted in convictions of several individuals for illegal trafficking of wildlife or wildlife parts.

Two other new approaches were implemented during that biennium to further deter the illegal taking of wildlife: 1) institution of the "TIP-MONT" program, through which anonymous individuals can report violations and receive rewards; and 2) institution of civil restitution assessments, in addition to fines, for the knowing and purposeful illegal taking of wildlife.

The use of the toll-free TIP-MONT number has surged since its inception in 1985. That year, 59 reports were processed. In 1986, 160 reports were processed, and in 1987, 480 reports were processed. In 1988, nearly 500 reports were received.

Under the civil restitution law enacted by the 1987 Legislature, in addition to being subject to criminal fines and penalties, persons convicted of illegally killing wildlife, or possessing illegally taken wildlife, are subject to civil restitution penalties. Depending on the species illegally killed or possessed, restitution payments of \$10 to \$1,000 can be assessed by the courts. In fiscal year 1988, convictions resulted in over \$15,000 being reimbursed to the people of Montana. Restitution payments during fiscal 1989 have already exceeded \$4,500.

rpt/431.16

LAW ENFORCEMENT DIVISION -- FISH -- WILDLIFE -- PARKS PROGRAMS

ACTIVITIES

1. Field Law Enforcement
2. Administration
3. Fish & Game Management
4. Information & Education

ACTIVITY AREAS

1. Open Season - big game, fish, birds, fur
2. Closed Season - big game, fish, birds, fur
3. Special Purpose Lic. (fish pond, game farm, taxidermist, falconry, fur dealer, etc.)
4. Wildlife Damage (big game, game birds, fur)

5. Back Country Patrol
6. "Tip Mont" Program
7. Hunter Safety
8. Boat & Snowmobile Safety & Regulations
9. Assist Landowners with control of recreationists, trespass, littering
10. Nongame Wildlife (falconers, etc.)

WORKING WITH OTHER AGENCIES AND COMMUNITY AFFAIRS

1. Provide Community Information & Services
2. Conservation Education
  - Sportsman Clubs
  - Service Clubs
  - Youth Groups
3. Assistance to Other Agencies
  - Local, State & Federal Law Enforcement
4. Search & Rescue
5. Other Resource Agencies (Forest Service, BLM, coordinate outfilter matters with Dept. of Commerce)

METHODS

1. Enforcement - Patrol - Visibility - Checking Stations - Special Enf. Team - ex-officio wardens
2. Sportsmen/Landowner Contacts - License Checks
3. Physical Support (providing equipment or manpower on program projects)
4. Completion of Administrative Duties (attendance at dept. meetings, training, planning, court and other prosecution aspects, reports, investigations, equipment, repair & maintenance)

SUPPORT OF OTHER DIVISION PROGRAMS

1. Administer License Agent Accounts (Centralized Services) also issue duplicate licenses
2. Provide Control of Recreationists on Dept. Owned or Controlled Lands or Waters (Parks)
3. Providing Information on and Furthering Understanding of Management Principles and Dept. Programs (Wildlife & Fish)
4. Collect Information for Management Input Seasons Settings, etc. (Wildlife & Fish)
5. Tagging and Measuring Game Animals & Furbearers
6. Other Physical Program Support - Manpower or Equipment (fish planting, deer trapping and marking, collection of bobcat & lynx carcasses.)

AGENCY: DEPT OF FISH, WILDLIFE, PARKS

LEGISLATIVE ACTION

PROGRAM: LAW ENFORCEMENT PROGRAM

BUDGET ITEM	FTE	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference
Personal Services		\$2,813,782	\$2,691,895	(\$121,887)	\$2,826,923	\$2,703,299	(\$123,624)
Operating Expenses		897,005	834,908	(62,097)	945,890	890,177	(55,713)
Equipment		128,491	64,954	(63,537)	94,354	64,954	(29,400)
Non-Operating		7,500	71,200	63,700	7,500	72,668	65,168
<b>TOTAL EXPENSES</b>		<b>\$3,846,778</b>	<b>\$3,662,957</b>	<b>(\$183,821)</b>	<b>\$3,874,667</b>	<b>\$3,731,098</b>	<b>(\$143,569)</b>

FUNDING

State Special Rev	\$3,780,842	\$3,484,678	(\$296,164)	\$3,838,785	\$3,540,723	(\$298,062)
Federal Revenue	65,936	178,279	112,343	35,882	190,375	154,493
<b>TOTAL FUNDING</b>	<b>\$3,846,778</b>	<b>\$3,662,957</b>	<b>(\$183,821)</b>	<b>\$3,874,667</b>	<b>\$3,731,098</b>	<b>(\$143,569)</b>

EXHIBIT 3  
 DATE 1-30-89  
 HB 100

FTE	General Fund	Gross
3.00	\$ -0-	\$81,160
0.00	-0-	24,000
0.00	-0-	13,200
0.00	-0-	7,972
0.00	-0-	4,330
0.00	-0-	6,060

1. Federally funded Boating Safety Program transferred from LCA to current level base. The executive has made the transfer and the LFA current level does not.

2. Increases in contracted services:

- A. Computer programming
- B. Room and board for training
- C. Security patrols
- D. Legal fees and court costs
- E. Psychological tests and background checks for new employees

DATE \_\_\_\_\_  
 HB \_\_\_\_\_

	<u>FTE</u>	<u>General Fund</u>	<u>Gross</u>
3. Increase travel for intern program	0.00	-0-	19,319
4. Equipment	0.00	-0-	62,938

**Budget Modifications**

The executive budget recommends two budget modifications for the Law Enforcement Division. Table D details the two modifications for fiscal 1990 and 1991 by FTE, the recommended amount of general hunting and fishing revenues to finance the modification, and the total cost of the modifications.

Table D  
Law Enforcement Division  
Budget Modification

	<u>FTE</u>	<u>General License Acct.</u>	<u>Total</u>	<u>FTE</u>	<u>General License Acct.</u>	<u>Total</u>
Snowmobile Act Warden in East Missoula/Rock Creek	0.50	\$ -0- 34,853	\$17,208 34,853	0.50 1.00	\$ -0- 34,862	\$17,212 34,862
Total Budget Modifications	<u>1.50</u>	<u>\$34,853</u>	<u>\$52,610</u>	<u>1.50</u>	<u>\$34,862</u>	<u>\$52,074</u>

The Snowmobile Act budget modification is to provide the funding and personnel to enforce the registration provisions of the Snowmobile Act. The warden in East Missoula/Rock Creek budget modification is to respond to a workload increase resulting from more sporting activities in the area.

Enforcement Division Budget Issues

1. Federal Coast Guard Funds

The Department requested to convert the Coast Guard program from LCA to the base. The Executive Budget converts a portion, but not the entire program. FMP is requesting to convert the entire program. (Federal Funds)

FY90      FY91

\$65,726    \$66,150

2. Relocation Costs

The Department has a policy to reimburse employees for selected moving costs when promoted within the agency. The OBPP has carried FY88 level expenditures of \$23000 forward. The Enforcement Division has identified potential moves that would require an additional \$27000 per year. (License Funded)

\$27,000    \$27,000

3. Travel

The Department is in the process of negotiating the Wardens Collective bargaining agreement. The agency is considering to offer to the union an opportunity for wardens to earn comptime (1 1/2). More travel is necessary. Assuming a 8% increase an additional \$40000 per year would be needed. (License Funded)

\$40,000    \$40,000

EXHIBIT 4  
DATE 1-30-89  
HB 100

EXHIBIT 5  
DATE 1-30-89  
HB 100

1-30-89

Equipment Expenditure

		<u>Spent</u>
1988	Lic. ERA	\$102,595
1987	Lic. ERA	16,981
1986	Lic. ERA	83,610
1985	Lic. ERA	44,906
1984	Lic. ERA	153,498

LEGISLATIVE ACTION

BUDGET ITEM	Fiscal 1990		Fiscal 1991		Difference
	Executive	LFA Curr Lvl	Executive	LFA Curr Lvl	
FTE	40.11	40.11	40.11	40.11	0.00
Personal Services	\$1,037,364	\$1,017,391	\$1,040,988	\$1,021,604	(\$19,384)
Operating Expenses	1,344,847	1,306,455	1,388,561	1,325,800	(62,761)
Equipment	132,500	72,858	108,582	72,858	(35,724)
Non-Operating	2,000	3,000	2,000	3,000	1,000
<b>TOTAL EXPENSES</b>	<b>\$2,516,711</b>	<b>\$2,399,704</b>	<b>\$2,540,131</b>	<b>\$2,423,262</b>	<b>(\$116,869)</b>
FUNDING					
State Special Rev	\$2,183,748	\$2,066,741	\$2,228,454	\$2,111,585	(\$116,869)
Federal Revenue	214,256	214,256	211,254	211,254	0
Other Revenue	118,707	118,707	100,423	100,423	0
<b>TOTAL FUNDING</b>	<b>\$2,516,711</b>	<b>\$2,399,704</b>	<b>\$2,540,131</b>	<b>\$2,423,262</b>	<b>(\$116,869)</b>

EXHIBIT 6  
 DATE 1-30-89  
 HB 100

	FTE	General Fund	Gross
1. Increases in drawing applications and license sales.	0.00	\$ -0-	\$48,104
2. Connecting state's mainframe computer to desktop computers.	0.00	-0-	10,400
3. Operating increases which correspond to expanded capital programs.	0.00	-0-	27,518
4. Printing of landowner/sportsman material	0.00	-0-	9,376

5. Postage increase	0.00	-0-	27,938
6. Equipment	0.00	-0-	94,366
7. Livestock Reimbursement Program	0.00	-0-	(2,000)
8. Pay plan reductions (executive)	0.00	-0-	(22,183)

**Budget Modifications**

The executive budget recommends three budget modifications for the Field Services Division. Table B details the budget modifications.

**Table B**  
**Field Services Division**  
**Budget Modification**

	Fiscal 1990	Fiscal 1991	
	General License Acct.	General License Acct.	Total
	FTE	FTE	Total
Expend Block Management	\$166,642	\$166,760	\$166,760
Fishing and Motorboat Access	9,160	9,169	36,675
Microcomputer Support	23,262	23,292	23,292
<b>Total Budget Modifications</b>	<b>\$199,064</b>	<b>\$199,221</b>	<b>\$226,727</b>

The expand block management budget modification will expand the block management program which is designed to provide an incentive to maintain free private lands. The fishing and motorboat access budget modification will fund an engineering position to design site developments for motorboat and fishing access sites funded by a portion of the \$1.2 million expansion in Montana's Wallop-Breaux funding. The microcomputer support budget modification would fund 1.00 FTE to provide support for department computer users.

VISITOR'S REGISTER

SUBCOMMITTEE \_\_\_\_\_

AGENCY (S) \_\_\_\_\_

DATE Jan. 30, 1989

DEPARTMENT \_\_\_\_\_

NAME	REPRESENTING	SUP- PORT	OP- POSE
<i>Gene Allen</i>	<i>FWP</i>		
<i>Land Lindbergh</i>	<i>Blackfoot River</i>		
<i>Chuck King</i>	<i>FWP</i>		
<i>Dave Matt</i>	<i>FWP</i>		
<i>Don Marcourt</i>	<i>[Signature]</i>		
<i>PAT Graham</i>			
<i>ERV Kent</i>			
<i>Paul Depew</i>			

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 IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.